

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SHAUN ROSIERE,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendants.

Case No. 2:15-cv-02187-APG-GWF

**ORDER**

This matter is before the Court on Plaintiff's Motion to Strike (ECF No. 28) Defendant's Motion to Stay, filed on October 4, 2016. Defendant filed its Opposition (ECF No. 38) on October 20, 2016.

Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). The essential function of a Rule 12(f) motion is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial. *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th cir. 1993), *rev'd on other grounds*, 510 U.S. 517, 114 S. Ct. 1023. However, striking material pursuant to Rule 12(f) is considered a "drastic remedy" that is "generally disfavored." *Nevada Fair Housing Center, Inc. V. Clark County*, 565 F. Supp.2d 1178 (D. Nev. 2008).

Plaintiff requests that the Court strike Defendant's Motion to Stay (ECF No. 26) as a frivolous pleading. On October 27, 2016, the Court granted Defendant's Motion to Stay pending a ruling on Defendant's Motion to Dismiss. *See* ECF No. 42. Therefore, the Court denies Plaintiff's Motion to Strike as moot. Accordingly,

DATED this 30th day of November, 2016.

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